

H. R. 14146

[Report No. 92-1049]

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1972

Mr. LENNON (for himself, Mr. GARMATZ, Mrs. SULLIVAN, Mr. MOSHER, Mr. PELLY, Mr. ROGERS, Mr. KEITH, Mr. ASHLEY, Mr. GOODLING, Mr. DOWNING, Mr. MAILLIARD, Mr. CLARK, Mr. STEELE, Mr. JONES of North Carolina, Mr. FORSYTHE, Mr. LEGGETT, Mr. DU PONT, Mr. GRIFFIN, Mr. MILLS of Maryland, Mr. ANDERSON of California, Mr. GROVER, Mr. BIAGGI, Mr. RUPPE, Mr. KYROS, and Mr. McDONALD of Michigan) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

MAY 5, 1972

Reported with an amendment, committed to the Committee of the Whole House on the State of the ~~Union~~, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a national policy and develop a national program for the management, ~~beneficial use~~, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That the Act entitled "An Act to provide for a comprehen-~~
4 ~~sive, long-range, and coordinated national program in marine~~
5 ~~science, to establish a National Council on Marine Resources~~
6 ~~and Engineering Development, and a Commission on Marine~~
7 ~~Science, Engineering and Resources, and for other purposes"~~,

1 approved June 17, 1966 (80 Stat. 203), as amended (33
2 U.S.C. 1101-1124), is further amended by adding at the
3 end thereof the following new titles:

4 ~~“TITLE III—MANAGEMENT OF THE COASTAL~~
5 ~~ZONE~~

6 ~~“SHORT TITLE~~

7 ~~“SEC. 301. This title may be cited as the ‘Coastal Zone~~
8 ~~Management Act of 1971’.~~

9 ~~“CONGRESSIONAL FINDINGS~~

10 ~~“SEC. 302. The Congress finds that—~~

11 ~~“(a) There is a national interest in the effective man-~~
12 ~~agement, beneficial use, protection, and development of the~~
13 ~~coastal zone;~~

14 ~~“(b) The coastal zone is rich in a variety of natural,~~
15 ~~commercial, recreational, industrial, and esthetic resources of~~
16 ~~immediate and potential value to the present and future~~
17 ~~well-being of the Nation;~~

18 ~~“(c) The increasing and competing demands upon the~~
19 ~~lands and waters of our coastal zone occasioned by popula-~~
20 ~~tion growth and economic development, including require-~~
21 ~~ments for industry, commerce, residential development, rec-~~
22 ~~reation, extraction of mineral resources and fossil fuels,~~
23 ~~transportation and navigation, waste disposal, and harvesting~~
24 ~~of fish, shellfish, and other living marine resources, have re-~~
25 ~~sulted in the loss of living marine resources, wildlife, nutrient-~~

1 ~~rich areas, permanent and adverse changes to ecological~~
2 ~~systems, decreasing open space for public use, and shoreline~~
3 ~~erosion;~~

4 ~~“(d) The coastal zone, and the fish, shellfish, other liv-~~
5 ~~ing marine resources, and wildlife therein, are ecologically~~
6 ~~fragile and consequently extremely vulnerable to destruction~~
7 ~~by man's alterations;~~

8 ~~“(e) Important ecological, cultural, historic, and esthetic~~
9 ~~values in the coastal zone which are essential to the well-being~~
10 ~~of all citizens are being irretrievably damaged or lost;~~

11 ~~“(f) Special natural and scenic characteristics are being~~
12 ~~damaged by ill-planned development that threatens these~~
13 ~~values;~~

14 ~~“(g) In light of competing demands and the urgent~~
15 ~~need to protect and to give high priority to natural systems~~
16 ~~in the coastal zone, present state and local institutional ar-~~
17 ~~rangements for planning and regulating land and water uses~~
18 ~~in such areas are inadequate; and~~

19 ~~“(h) The key to more effective protection and use of~~
20 ~~the land and water resources of the coastal zone is to encour-~~
21 ~~age the states to exercise their full authority over the lands~~
22 ~~and waters in the coastal zone by assisting the states, in~~
23 ~~cooperation with Federal and local governments and other~~
24 ~~vitaly affected interests, in developing land and water use~~
25 ~~programs for the coastal zone, including unified policies, cri-~~

1 ~~teria, standards, methods, and processes for dealing with~~
2 ~~land and water use decisions of more than local significance.~~

3 ~~“DECLARATION OF POLICY~~

4 ~~“SEC. 303. The Congress declares that it is the national~~
5 ~~policy (a) to preserve, protect, develop, and where possible,~~
6 ~~to restore, the resources of the Nation's coastal zone for this~~
7 ~~and succeeding generations, (b) to encourage and assist the~~
8 ~~states to exercise effectively their responsibilities in the~~
9 ~~coastal zone through the development and implementation~~
10 ~~of management programs to achieve wise use of the land and~~
11 ~~water resources of the coastal zone giving full consideration~~
12 ~~to ecological, cultural, historic, and esthetic values as well as~~
13 ~~to needs for economic development, (c) for all Federal~~
14 ~~agencies engaged in programs affecting the coastal zone to~~
15 ~~cooperate and participate with state and local governments~~
16 ~~and regional agencies in effectuating the purposes of this title,~~
17 ~~and (d) to encourage the participation of the public, of~~
18 ~~Federal, state, and local governments and of regional agencies~~
19 ~~in the development of coastal zone management programs.~~
20 ~~With respect to implementation of such management pro-~~
21 ~~grams, it is the national policy to encourage cooperation~~
22 ~~among the various state and regional agencies including~~
23 ~~establishment of interstate and regional agreements, coopera-~~
24 ~~tive procedures, and joint action particularly regarding en-~~
25 ~~vironmental problems.~~

~~“(a) ‘Coastal zone’ means the coastal waters (including the lands therein and thereunder) and the adjacent wetlands (including the waters therein and thereunder), mutually influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and estuaries. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada, and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those wetlands, the uses of which have a direct impact on the coastal waters.~~

~~“(e) ‘Coastal state’ means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean,~~

1 ~~the Gulf of Mexico, Long Island Sound, or one or more of~~
2 ~~the Great Lakes. For the purposes of this title, the term in-~~
3 ~~cludes Puerto Rico, the Virgin Islands, Guam, and American~~
4 ~~Samoa.~~

5 ~~“(d) ‘Estuary’ means that part of a river or stream or~~
6 ~~other body of water having unimpaired connection with the~~
7 ~~open sea, where the sea water is measurably diluted with~~
8 ~~fresh water derived from land drainage. The term includes~~
9 ~~estuary-type areas of the Great Lakes.~~

10 ~~“(e) ‘Estuarine sanctuary’ means a research area which~~
11 ~~may include any part or all of an estuary, adjoining tran-~~
12 ~~sitional areas, and adjacent uplands, constituting to the extent~~
13 ~~feasible a natural unit, set aside to provide scientists and~~
14 ~~students the opportunity to examine over a period of time~~
15 ~~the ecological relationships within the area.~~

16 ~~“(f) ‘Secretary’ means the Secretary of Commerce.~~

17 ~~“MANAGEMENT PROGRAM DEVELOPMENT GRANTS~~

18 ~~“SEC. 305. (a) The Secretary is authorized to make an-~~
19 ~~nuual grants to any coastal state for the purpose of assisting in~~
20 ~~the development of a management program for the land and~~
21 ~~water resources of its coastal zone.~~

22 ~~“(b) Such management program shall include:~~

23 ~~“(1) an identification of the boundaries of the~~
24 ~~portions of the coastal state subject to the management~~
25 ~~program;~~

1 ~~“(2) a definition of what shall constitute permis-~~
2 ~~sible land and water uses;~~

3 ~~“(3) an inventory and designation of areas of~~
4 ~~particular concern;~~

5 ~~“(4) an identification of the means by which the~~
6 ~~state proposes to exert control over land and water uses,~~
7 ~~including a listing of relevant constitutional provisions,~~
8 ~~legislative enactments, regulations, and judicial deci-~~
9 ~~sions;~~

10 ~~“(5) broad guidelines on priority of uses in partic-~~
11 ~~ular areas, including specifically those uses of lowest~~
12 ~~priority;~~

13 ~~“(6) a description of the organizational structure~~
14 ~~proposed to implement the management program, in-~~
15 ~~cluding the responsibilities and interrelationships of~~
16 ~~areawide, state, and regional agencies in the manage-~~
17 ~~ment process.~~

18 ~~“(e) The grants shall not exceed 66 $\frac{2}{3}$ per centum of~~
19 ~~the costs of the program in any one year. Federal funds~~
20 ~~received from other sources shall not be used to match the~~
21 ~~grants. In order to qualify for grants under this subsection,~~
22 ~~the state must reasonably demonstrate to the satisfaction~~
23 ~~of the Secretary that such grants will be used to develop~~
24 ~~a management program consistent with the requirements set~~
25 ~~forth in section 306 of this title. Successive grants may be~~

~~1 made annually for a period not to exceed two years: Pro-~~
~~2 vided, That no second grant shall be made under this sub-~~
~~3 section unless the Secretary finds that the state is satisfac-~~
~~4 torily developing such management program.~~

~~5 “(d) Upon completion of the development of the state’s~~
~~6 management program, the state shall submit such program to~~
~~7 the Secretary for review and approval pursuant to the pro-~~
~~8 visions of section 306 of this title, or such other action as~~
~~9 he deems necessary. On final approval of such plan and~~
~~10 program by the Secretary, the state’s eligibility for further~~
~~11 grants under this section shall terminate, and the state shall~~
~~12 be eligible for grants under section 306 of this title.~~

~~13 “(e) Grants under this section shall be allocated to the~~
~~14 states based on rules and regulations promulgated by the Sec-~~
~~15 retary: Provided, however, That no management program~~
~~16 development grant under this section shall be made in excess~~
~~17 of 15 per centum of the total amount appropriated to carry~~
~~18 out the purposes of this section.~~

~~19 “(f) Grants or portions thereof not obligated by a state~~
~~20 during the fiscal year for which they were first authorized to~~
~~21 be obligated by the state, or during the fiscal year imme-~~
~~22 diately following, shall revert to the Secretary, and shall be~~
~~23 added by him to the funds available for grants under this~~
~~24 section.~~

~~25 “(g) With the approval of the Secretary, the state~~

1 ~~may allocate to a local government, to an area-wide agency~~
 2 ~~designated under section 204 of the Demonstration Cities~~
 3 ~~and Metropolitan Development Act of 1966, or to an inter-~~
 4 ~~state agency, a portion of the grant under this section, for~~
 5 ~~the purpose of carrying out the provisions of this section.~~

6 ~~“(h) The authority to make grants under this section~~
 7 ~~shall expire on June 30, 1975.~~

8 ~~“ADMINISTRATIVE GRANTS~~

9 ~~“SEC. 306. (a) The Secretary is authorized to make~~
 10 ~~annual grants to any state for not more than 66 $\frac{2}{3}$ per centum~~
 11 ~~of the costs of administering the state's management pro-~~
 12 ~~gram, if he approves such program in accordance with sub-~~
 13 ~~section (c) hereof, Federal funds received from other~~
 14 ~~sources shall not be used to pay the coastal state's share of~~
 15 ~~costs.~~

16 ~~“(b) Such grants shall be allocated to the states with~~
 17 ~~approved programs based on rules and regulations promul-~~
 18 ~~gated by the Secretary, which shall take into account the~~
 19 ~~extent and nature of the shoreline and area covered by the~~
 20 ~~plan, population of the area, and other relevant factors:~~
 21 ~~*Provided, however,* That no annual administrative grant~~
 22 ~~under this section shall be made in excess of 15 per centum~~
 23 ~~of the total amount appropriated to carry out the purposes~~
 24 ~~of this section.~~

1 ~~“(c) Prior to granting approval of a management pro-~~
2 ~~gram submitted by a coastal state, the Secretary shall find~~
3 ~~that:~~

4 ~~“(1) The state has developed and adopted a manage-~~
5 ~~ment program for its coastal zone in accordance with rules~~
6 ~~and regulations promulgated by the Secretary, after notice,~~
7 ~~and with the opportunity of full participation by relevant~~
8 ~~Federal agencies, state agencies, local governments, regional~~
9 ~~organizations, port authorities, and other interested parties,~~
10 ~~public and private, which is adequate to carry out the pur-~~
11 ~~poses of this title.~~

12 ~~“(2) The state has:~~

13 ~~“(A) coordinated with local, areawide, and inter-~~
14 ~~state plans applicable to areas within the coastal zone~~
15 ~~existing on January 1 of the year in which the state's~~
16 ~~management program is submitted to the Secretary,~~
17 ~~which plans have been developed by a local govern-~~
18 ~~ment, or interstate agency in an areawide agency desig-~~
19 ~~nated pursuant to regulations established under section~~
20 ~~204 of the Demonstration Cities and Metropolitan De-~~
21 ~~velopment Act of 1966; and~~

22 ~~“(B) established an effective mechanism for con-~~
23 ~~tinuing consultation and coordination between the man-~~
24 ~~agement agency designated pursuant to paragraph (5)~~
25 ~~of this subsection and with local governments, interstate~~

1 ~~agencies, and area-wide agencies within the coastal zone~~
2 ~~to assure the full participation of such local governments~~
3 ~~and agencies in carrying out the purposes of this title.~~

4 ~~“(3) The state has held public hearings in the develop-~~
5 ~~ment of the management program.~~

6 ~~“(4) The management program and any changes thereto~~
7 ~~have been reviewed and approved by the Governor.~~

8 ~~“(5) The Governor of the state has designated a single~~
9 ~~agency to receive and administer the grants for implementing~~
10 ~~the management program required under paragraph (1) of~~
11 ~~this subsection.~~

12 ~~“(6) The state is organized to implement the manage-~~
13 ~~ment program required under paragraph (1) of this sub-~~
14 ~~section.~~

15 ~~“(7) The state has the authorities necessary to imple-~~
16 ~~ment the program, including the authority required under~~
17 ~~subsection (d) of this section.~~

18 ~~“(8) The management program provides for adequate~~
19 ~~consideration of the national interest involved in the siting of~~
20 ~~facilities necessary to meet requirements which are other than~~
21 ~~local in nature.~~

22 ~~“(9) The management program makes provision for~~
23 ~~procedures whereby specific areas may be designated for~~
24 ~~the purpose of preserving or restoring them for their con-~~
25 ~~servation, recreational, ecological, or esthetic values.~~

1 ~~“(d) Prior to granting approval of the management~~
 2 ~~program, the Secretary shall find that the state, acting~~
 3 ~~through its chosen agency or agencies, including local gov-~~
 4 ~~ernments, interstate agencies, or area-wide agencies desig-~~
 5 ~~nated under section 204 of the Demonstration Cities and~~
 6 ~~Metropolitan Development Act of 1966, has authority for~~
 7 ~~the management of the coastal zone in accordance with the~~
 8 ~~management program. Such authority shall include power—~~

9 ~~“(1) to administer land and water use regulations,~~
 10 ~~control development in order to insure compliance with~~
 11 ~~the management program, and to resolve conflicts~~
 12 ~~among competing uses; and~~

13 ~~“(2) to acquire fee simple and less than fee simple~~
 14 ~~interests in lands, waters, and other property through~~
 15 ~~condemnation or other means when necessary to achieve~~
 16 ~~conformance with the management program.~~

17 ~~“(e) Prior to granting approval, the Secretary shall~~
 18 ~~also find that the program provides:~~

19 ~~“(1) for any one or a combination of the following~~
 20 ~~general techniques for control of land and water uses.~~

21 ~~“(A) State establishment of criteria and stand-~~
 22 ~~ards for local implementation, subject to admin-~~
 23 ~~istrative review and enforcement of compliance;~~

24 ~~“(B) Direct state land and water use planning~~
 25 ~~and regulation; or~~

1 ~~“(C) State administrative review for consist-~~
2 ~~ency with the management program of all develop-~~
3 ~~ment plans, projects, or land and water use regu-~~
4 ~~lations, including exceptions and variances thereto,~~
5 ~~proposed by any state or local authority or private~~
6 ~~developer, with power to approve or disapprove~~
7 ~~after public notice and an opportunity for hearings.~~

8 ~~“(2) for a method of assuring that local land and~~
9 ~~water use regulations within the coastal zone do not un-~~
10 ~~reasonably restrict or exclude land and water uses of~~
11 ~~regional benefit.~~

12 ~~“(f) With the approval of the Secretary, a state may~~
13 ~~allocate to a local government, an interstate agency, or an~~
14 ~~areawide agency designated under section 204 of the Demon-~~
15 ~~stration Cities and Metropolitan Development Act of 1966 a~~
16 ~~portion of the grant under this section for the purpose of ear-~~
17 ~~rying out the provisions of this section: *Provided*, That such~~
18 ~~allocation shall not relieve the state of the responsibility for~~
19 ~~insuring that any funds so allocated are applied in further-~~
20 ~~ance of such state's approved management program.~~

21 ~~“(g) The state shall be authorized to amend the man-~~
22 ~~agement program. The modification shall be in accordance~~
23 ~~with the procedures required under subsection (c) of this~~
24 ~~section. Any amendment or modification of the program must~~
25 ~~be approved by the Secretary before additional administra-~~

1 ~~tive grants are to be made to the state under the program~~
2 ~~as amended.~~

3 ~~“(h) At the discretion of the state and with the approval~~
4 ~~of the Secretary, a management program may be developed~~
5 ~~and adopted in segments so that immediate attention may~~
6 ~~be devoted to those areas of the coastal zone which most ur-~~
7 ~~gently need management programs: *Provided*, That the~~
8 ~~state adequately allows for the ultimate coordination of the~~
9 ~~various segments of the management program into a single~~
10 ~~unified program and that the unified program will be com-~~
11 ~~pleted as soon as is reasonably practicable.~~

12 ~~“INTERAGENCY COORDINATION AND COOPERATION~~

13 ~~“SEC. 307. (a) The Secretary shall not approve the~~
14 ~~management program submitted by a state pursuant to sec-~~
15 ~~tion 306 unless the views of Federal agencies principally~~
16 ~~affected by such program have been adequately considered.~~
17 ~~In case of serious disagreement between any Federal agency~~
18 ~~and the state in the development of the program the Sec-~~
19 ~~retary, in cooperation with the Executive Office of the Pres-~~
20 ~~ident, shall seek to mediate the differences.~~

21 ~~“(b) (1) All Federal agencies conducting or support-~~
22 ~~ing activities in the coastal zone shall insure that those~~
23 ~~activities are consistent with approved state management~~
24 ~~programs, except in cases of overriding national interest as~~
25 ~~determined by the President. Program coverage and pro-~~

1 ~~cedures provided for in regulations issued pursuant to sec-~~
2 ~~tion 204 of the Demonstration Cities and Metropolitan De-~~
3 ~~velopment Act of 1966 and title IV of the Intergovern-~~
4 ~~mental Cooperation Act of 1968 shall be applied in~~
5 ~~determining whether Federal projects and activities are~~
6 ~~consistent with approved management programs.~~

7 ~~“(2) Federal agencies shall not undertake any develop-~~
8 ~~ment project in the coastal zone of a state which, in the~~
9 ~~opinion of the state, is inconsistent with the management~~
10 ~~program of the state unless the Secretary, after receiving~~
11 ~~detailed comments from both the Federal agency and the~~
12 ~~state, finds that such project is consistent with the objectives~~
13 ~~of this title, or is informed by the Secretary of Defense and~~
14 ~~finds that the project is necessary in the interest of national~~
15 ~~security.~~

16 ~~“(3) After final approval by the Secretary of a state’s~~
17 ~~management program, any applicant for a required Federal~~
18 ~~license or permit to conduct an activity affecting land or water~~
19 ~~uses in the coastal zone of that state shall provide in the appli-~~
20 ~~cation to the licensing or permitting agency a certification~~
21 ~~that the proposed activity complies with the state’s approved~~
22 ~~program and that such activity will be conducted in a manner~~
23 ~~consistent with the program. At the same time, the applicant~~
24 ~~shall furnish to the state or its designated agency a copy of~~
25 ~~the certification, with all necessary information and data.~~

~~1 Each coastal state shall establish procedures for public notice
2 in the case of all such certifications and, to the extent it deems
3 appropriate, procedures for public hearings in connection
4 therewith. At the earliest practicable time, the state or its
5 designated agency shall notify the Federal agency concerned
6 that the state concurs with or objects to the applicant's cer-
7 tification. If the state or its designated agency fails to furnish
8 the required notification within six months after receipt of its
9 copy of the applicant's certification, the state's concurrence
10 with the certification shall be conclusively presumed. No
11 license or permit shall be granted by the Federal agency until
12 the state or its designated agency has concurred with the
13 applicant's certification or until, by the state's failure to act,
14 the concurrence is conclusively presumed, unless the Secre-
15 tary, on his own initiative or upon appeal by the applicant,
16 finds, after providing a reasonable opportunity for detailed
17 comments from the Federal agency involved and from the
18 state that the activity is consistent with the objectives of this
19 title or is otherwise necessary in the interest of national
20 security.~~

~~21 " (c) State and local governments submitting applica-
22 tions for Federal assistance under other Federal programs
23 affecting the coastal zone shall indicate the views of the
24 appropriate state or local agency as to the relationship of
25 such activities to the approved management program for~~

1 ~~the coastal zone. Such applications shall be submitted and~~
2 ~~coordinated in accordance with the provisions of title IV~~
3 ~~of the Intergovernmental Coordination Act of 1968 (82~~
4 ~~Stat. 1098). Federal agencies shall not approve proposed~~
5 ~~projects that are inconsistent with a coastal state's manage-~~
6 ~~ment program, except upon a finding by the Secretary that~~
7 ~~such project is consistent with the purposes of this title or~~
8 ~~necessary in the interest of national security.~~

9 ~~“(d) Nothing in this section shall be construed—~~
10 ~~“(1) to diminish either Federal or state jurisdic-~~
11 ~~tion, responsibility, or rights in the field of planning,~~
12 ~~development, or control of water resources and naviga-~~
13 ~~ble waters; nor to displace, supersede, limit, or modify~~
14 ~~any interstate compact or the jurisdiction or responsibil-~~
15 ~~ity of any legally established joint or common agency~~
16 ~~of two or more states or of two or more states and~~
17 ~~the Federal Government; nor to limit the authority of~~
18 ~~Congress to authorize and fund projects;~~

19 ~~“(2) to change or otherwise affect the authority~~
20 ~~or responsibility of any Federal official in the discharge~~
21 ~~of the duties of his office except as required to carry out~~
22 ~~the provisions of this title;~~

23 ~~“(3) as superseding, modifying, or repealing exist-~~
24 ~~ing laws applicable to the various Federal agencies, ex-~~
25 ~~cept as required to carry out the provisions of this title;~~

1 ~~nor to affect the jurisdiction, powers, or prerogatives of~~
2 ~~the International Joint Commission, United States and~~
3 ~~Canada, the Permanent Engineering Board, and the~~
4 ~~United States operating entity or entities established~~
5 ~~pursuant to the Columbia River Basin Treaty, signed at~~
6 ~~Washington, January 17, 1961, or the International~~
7 ~~Boundary and Water Commission, United States and~~
8 ~~Mexico.~~

9 ~~"PUBLIC HEARINGS~~

10 ~~"SEC. 308. All public hearings required under this title~~
11 ~~must be announced at least thirty days prior to the hearing~~
12 ~~date. At the time of the announcement, all agency materials~~
13 ~~pertinent to the hearings, including documents, studies, and~~
14 ~~other data, must be made available to the public for review~~
15 ~~and study. As similar materials are subsequently developed,~~
16 ~~they shall be made available to the public as they become~~
17 ~~available to the agency.~~

18 ~~"REVIEW OF PERFORMANCE~~

19 ~~"SEC. 309. (a) The Secretary shall conduct a continuing~~
20 ~~review of the management programs of the coastal states and~~
21 ~~of the performance of each state.~~

22 ~~"(b) The Secretary shall have the authority to terminate~~
23 ~~any financial assistance extended under section 306 and to~~
24 ~~withdraw any unexpended portion of such assistance if (1)~~
25 ~~he determines that the state is failing to adhere to and is not~~

1 ~~justified in deviating from the program approved by the Sec-~~
 2 ~~retary; and (2) the state has been given notice of proposed~~
 3 ~~termination and withdrawal and an opportunity to present~~
 4 ~~evidence of adherence or justification for altering its program.~~

5 ~~"RECORDS~~

6 ~~"SEC. 310. (a) Each recipient of a grant under this title~~
 7 ~~shall keep such records as the Secretary shall prescribe, in-~~
 8 ~~cluding records which fully disclose the amount and disposi-~~
 9 ~~tion of the funds received under the grant, the total cost of the~~
 10 ~~project or undertaking supplied by other sources, and such~~
 11 ~~other records as will facilitate an effective audit.~~

12 ~~"(b) The Secretary and the Comptroller General of the~~
 13 ~~United States, or any of their duly authorized representatives,~~
 14 ~~shall have access for the purpose of audit and examination to~~
 15 ~~any books, documents, papers, and records of the recipient of~~
 16 ~~the grant that are pertinent to the determination that funds~~
 17 ~~granted are used in accordance with this title.~~

18 ~~"ADVISORY COMMITTEE~~

19 ~~"SEC. 311. (a) The Secretary is authorized and di-~~
 20 ~~rected to establish a Coastal Zone Management Advisory~~
 21 ~~Committee to advise, consult with, and make recommenda-~~
 22 ~~tions to the Secretary on matters of policy concerning the~~
 23 ~~coastal zone. Such committee shall be composed of not more~~
 24 ~~than ten persons designated by the Secretary and shall per-~~

1 ~~form such functions and operate in such a manner as the~~
2 ~~Secretary may direct.~~

3 ~~“(b) Members of said advisory committee who are not~~
4 ~~regular full-time employees of the United States, while serv-~~
5 ~~ing on the business of the committee, including traveltime,~~
6 ~~may receive compensation at rates not exceeding \$100 per~~
7 ~~diem; and while so serving away from their homes or reg-~~
8 ~~ular places of business may be allowed travel expenses, in-~~
9 ~~cluding per diem in lieu of subsistence, as authorized by~~
10 ~~section 5703 of title 5, United States Code, for individuals~~
11 ~~in the Government service employed intermittently.~~

12 ~~“ESTUARINE SANCTUARIES~~

13 ~~“SEC. 312. (a) The Secretary, in accordance with~~
14 ~~rules and regulations promulgated by him, is authorized to~~
15 ~~make available to a coastal state grants of up to 50 per~~
16 ~~centum of the costs of acquisition, development, and operation~~
17 ~~of estuarine sanctuaries for the purpose of creating natural~~
18 ~~field laboratories to gather data and make studies of the~~
19 ~~natural and human processes occurring within the estuaries~~
20 ~~of the coastal zone. The Federal share of the cost for each~~
21 ~~such sanctuary shall not exceed \$2,000,000. No Federal~~
22 ~~funds received pursuant to section 305 or section 306 shall~~
23 ~~be used for the purpose of this section.~~

24 ~~“(b) When an estuarine sanctuary is established by a~~
25 ~~coastal state, for the purpose envisioned in subsection (a),~~

1 ~~whether or not Federal funds have been made available for~~
 2 ~~a part of the costs of acquisition, development, and opera-~~
 3 ~~tion, the Secretary, at the request of the state concerned,~~
 4 ~~and after consultation with interested Federal departments~~
 5 ~~and agencies and other interested parties, may extend the~~
 6 ~~established estuarine sanctuary seaward beyond the coastal~~
 7 ~~zone, to the extent necessary to effectuate the purposes for~~
 8 ~~which the estuarine sanctuary was established.~~

9 ~~“(c) The Secretary shall issue necessary and reason-~~
 10 ~~able regulations related to any such estuarine sanctuary ex-~~
 11 ~~tension to assure that the development and operation there-~~
 12 ~~of is coordinated with the development and operation of the~~
 13 ~~estuarine sanctuary of which it forms an extension.~~

14 ~~“MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF~~
 15 ~~THE UNITED STATES~~

16 ~~“Sec. 313. (a) The Secretary shall develop, in coordi-~~
 17 ~~nation with the Secretary of the Interior, and after appro-~~
 18 ~~priate consultation with the Secretary of Defense, the Sec-~~
 19 ~~retary of Transportation, and other interested parties, Fed-~~
 20 ~~eral and non-Federal, governmental and nongovernmental,~~
 21 ~~a program for the management of the area outside the~~
 22 ~~coastal zone and within twelve miles of the baseline from~~
 23 ~~which the breadth of the territorial sea is measured. The pro-~~
 24 ~~gram shall be developed for the benefit of industry, com-~~
 25 ~~merce, recreation, conservation, transportation, navigation,~~

1 ~~and the public interest in the protection of the environment~~
 2 ~~and shall include, but not be limited to, provisions for the~~
 3 ~~development, conservation, and utilization of fish and other~~
 4 ~~living marine resources, mineral resources, and fossil fuels,~~
 5 ~~the development of aquaculture, the promotion of recrea-~~
 6 ~~tional opportunities, and the coordination of research.~~

7 ~~“(b) To the extent that any part of the management~~
 8 ~~program developed pursuant to this section shall apply to~~
 9 ~~any high seas area, the subjacent seabed and subsoil of which~~
 10 ~~lies within the seaward boundary of a coastal state, as that~~
 11 ~~boundary is defined in section 2 of title I of the Act of~~
 12 ~~May 22, 1953 (67 Stat. 29), the plan shall be coordinated~~
 13 ~~with the coastal state involved.~~

14 ~~“ANNUAL REPORT~~

15 ~~“SEC. 314. (a) The Secretary shall prepare and submit~~
 16 ~~to the President for transmittal to the Congress not later than~~
 17 ~~November 1 of each year a report on the administration of~~
 18 ~~this title for the preceding Federal fiscal year. The report~~
 19 ~~shall include but not be restricted to (1) an identification of~~
 20 ~~the state programs approved pursuant to this title during the~~
 21 ~~preceding Federal fiscal year and a description of those pro-~~
 22 ~~grams; (2) a listing of the states participating in the provi-~~
 23 ~~sions of this title and a description of the status of each state's~~
 24 ~~programs and its accomplishments during the preceding Fed-~~
 25 ~~eral fiscal year; (3) an itemization of the allotment of funds~~

~~1 to the various coastal states and a breakdown of the major~~
~~2 projects and areas on which these funds were expended;~~
~~3 (4) an identification of any state programs which have been~~
~~4 reviewed and disapproved or with respect to which grants~~
~~5 have been terminated under this title, and a statement of the~~
~~6 reasons for such action; (5) a listing of the Federal develop-~~
~~7 ment projects which the Secretary has reviewed under section~~
~~8 307 of this title and a summary of the final action taken by~~
~~9 the Secretary with respect to each such project; (6) a sum-~~
~~10 mary of the regulations issued by the Secretary or in effect~~
~~11 during the preceding Federal fiscal year; (7) a summary of~~
~~12 a coordinated national strategy and program for the Nation's~~
~~13 coastal zone including identification and discussion of Federal,~~
~~14 regional, state, and local responsibilities and functions therein;~~
~~15 (8) a summary of outstanding problems arising in the ad-~~
~~16 ministration of this title in order of priority; and (9) such~~
~~17 other information as may be appropriate.~~

~~18 "(b) The report required by subsection (a) shall con-~~
~~19 tain such recommendations for additional legislation as the~~
~~20 Secretary deems necessary to achieve the objectives of this~~
~~21 title and enhance its effective operation.~~

~~22 "RULES AND REGULATIONS~~

~~23 "SEC. 315. The Secretary shall develop and promulgate,~~
~~24 pursuant to section 553 of title 5, United States Code, after~~
~~25 notice and opportunity for full participation by relevant~~

1 ~~Federal agencies, state agencies, local governments, regional~~
2 ~~organizations, port authorities, and other interested parties,~~
3 ~~both public and private, such rules and regulations as may~~
4 ~~be necessary to carry out the provisions of this title.~~

5 ~~“PENALTIES~~

6 ~~“SEC. 316. (a) Whoever violates any regulation which~~
7 ~~implements the provisions of section 312 (c) or section~~
8 ~~313 (a) of this title shall be liable to a civil penalty of not~~
9 ~~more than \$10,000 for each such violation, to be assessed~~
10 ~~by the Secretary. Each day of a continuing violation shall~~
11 ~~constitute a separate violation.~~

12 ~~“(b) No penalty shall be assessed under this section~~
13 ~~until the person charged shall have been given notice and~~
14 ~~an opportunity to be heard. For good cause shown, the~~
15 ~~Secretary may remit or mitigate any such penalty. Upon~~
16 ~~failure of the offending party to pay the penalty, as assessed~~
17 ~~or, when mitigated, as mitigated, the Attorney General, at~~
18 ~~the request of the Secretary, shall commence action in the~~
19 ~~appropriate district court of the United States to collect~~
20 ~~such penalty and to seek other relief as may be appropriate.~~

21 ~~“(c) A vessel used in the violation of any regulation~~
22 ~~which implements the provisions of section 312 (c) or sec-~~
23 ~~tion 313 (a) of this title shall be liable in rem for any~~
24 ~~civil penalty assessed for such violation and may be pro-~~

1 ~~ceeded against in any district court of the United States~~
 2 ~~having jurisdiction thereof.~~

3 ~~“(d) The district courts of the United States shall have~~
 4 ~~jurisdiction to restrain violations of the regulations issued~~
 5 ~~pursuant to this title. Actions shall be brought by the At-~~
 6 ~~torney General in the name of the United States, either~~
 7 ~~on his own initiative or at the request of the Secretary.~~

8 ~~“APPROPRIATIONS~~

9 ~~“SEC. 317. (a) There are authorized to be appropri-~~
 10 ~~ated—~~

11 ~~“(1) the sum of \$15,000,000 for fiscal year 1973~~
 12 ~~and for each of the two succeeding fiscal years for grants~~
 13 ~~under section 305 to remain available until expended;~~

14 ~~“(2) the sum of \$50,000,000 for fiscal year 1974~~
 15 ~~and for fiscal year 1975 for grants under section 306 to~~
 16 ~~remain available until expended; and~~

17 ~~“(3) the sum of \$6,000,000 for fiscal year 1973~~
 18 ~~and for each of the two succeeding fiscal years for grants~~
 19 ~~under section 312, to remain available until expended.~~

20 ~~“(b) There are also authorized to be appropriated such~~
 21 ~~sums, not to exceed \$3,000,000, for fiscal year 1973 and~~
 22 ~~for each of the two succeeding fiscal years, as may be neces-~~
 23 ~~sary for administrative expenses incident to the administra-~~
 24 ~~tion of this title.~~

1 ~~"TITLE IV—MARINE SANCTUARIES~~

2 ~~"SHORT TITLE~~

3 ~~"SEC. 401. This title may be cited as the 'Marine Sanc-~~
4 ~~tuary Act of 1971'.~~

5 ~~"SEC. 402. (a) The Secretary, after consultation with~~
6 ~~the Secretaries of State, Defense, the Interior, and Trans-~~
7 ~~portation, and with the approval of the President, may desig-~~
8 ~~nate as marine sanctuaries those areas of the high seas out-~~
9 ~~side the coastal zone and superjacent to the subsoil and seabed~~
10 ~~of the Continental Shelf, as defined in the Convention on the~~
11 ~~Continental Shelf (15 U.S.T. 471; TIAS 5578), which he~~
12 ~~determines necessary for the purpose of preserving or restor-~~
13 ~~ing such areas for their conservation, recreational, ecological,~~
14 ~~or esthetic values.~~

15 ~~"(b) Unless the action is concurred in by the coastal~~
16 ~~state involved, no marine sanctuary designated pursuant to~~
17 ~~this title may include waters superjacent to the subsoil and~~
18 ~~seabed within the seaward boundary of a coastal state, as that~~
19 ~~boundary is defined in section 2 of title I of the Act of~~
20 ~~May 22, 1953 (67 Stat. 29).~~

21 ~~"(c) When a marine sanctuary is designated by the~~
22 ~~Secretary, the Secretary of State shall take action, as appro-~~
23 ~~priate, to enter into negotiations with other governments,~~
24 ~~for the purpose of arriving at agreements with those govern-~~

1 ments, in order to protect the sanctuary and to promote the
2 purposes for which it was established.

3 ~~“(d) The Secretary shall submit an annual report to~~
4 ~~the Congress, on or before November 1 of each year, setting~~
5 ~~forth a comprehensive review of his actions under the au-~~
6 ~~thority of this title, together with appropriate recommenda-~~
7 ~~tions for legislation considered necessary for the designation~~
8 ~~and protection of marine sanctuaries.~~

9 ~~“(e) Before a marine sanctuary is designated, the Sec-~~
10 ~~retary shall hold public hearings in the coastal area or areas~~
11 ~~which would be most directly affected by such designation,~~
12 ~~for the purpose of receiving and giving proper consideration~~
13 ~~to the views of any interested party. Such hearings shall be~~
14 ~~held no earlier than thirty days after the publication of a~~
15 ~~public notice thereof.~~

16 ~~“(f) After a marine sanctuary has been designated, the~~
17 ~~Secretary shall issue necessary and reasonable regulations to~~
18 ~~control any activities permitted within the designated marine~~
19 ~~sanctuary, and no permit, license, or other authorization~~
20 ~~issued pursuant to any other authority shall be valid unless~~
21 ~~the Secretary shall certify that the permitted activity is~~
22 ~~consistent with the purposes of this title and can be carried~~
23 ~~out within the regulations promulgated under this subsection.~~

24 ~~“(g) The regulations issued pursuant to subsection (f)~~
25 ~~shall be applied in accordance with recognized principles of~~

1 ~~international law, including treaties, conventions, and other~~
2 ~~agreements to which the United States is signatory. No regu-~~
3 ~~lation applicable to ocean waters outside the territorial juris-~~
4 ~~isdiction of the United States shall be applied to a person not~~
5 ~~a citizen of the United States, or to a foreign flag vessel, ex-~~
6 ~~cept in accordance with specific authority conferred by an~~
7 ~~agreement between the United States and the foreign state of~~
8 ~~which the affected person is a citizen, or in the case of a~~
9 ~~member of the crew of a foreign flag vessel, between the~~
10 ~~United States and the flag state of the vessel.~~

11 ~~“SEC. 403. (a) Whoever violates any regulations issued~~
12 ~~pursuant to section 402 shall be liable to a civil penalty of~~
13 ~~not more than \$50,000 for each such violation, to be assessed~~
14 ~~by the Secretary. Each day of a continuing violation shall~~
15 ~~constitute a separate violation.~~

16 ~~“(b) No penalty shall be assessed under this section~~
17 ~~until the person charged has been given notice and an oppor-~~
18 ~~tunity to be heard. For good cause shown, the Secretary~~
19 ~~may remit or mitigate any such penalty. Upon failure of the~~
20 ~~offending party to pay the penalty as assessed or, when miti-~~
21 ~~gated, as mitigated, the Attorney General, at the request of~~
22 ~~the Secretary, shall commence action in the appropriate dis-~~
23 ~~trict court of the United States to collect the penalty and to~~
24 ~~seek such other relief as may be appropriate.~~

25 ~~“(c) A vessel used in the violation of a regulation~~

1 issued pursuant to section 402 shall be liable in rem for any
2 civil penalty assessed for such violation and may be pro-
3 ceeded against in any district court of the United States
4 having jurisdiction thereof.

5 “(d) The district courts of the United States shall have
6 jurisdiction to restrain a violation of the regulations issued
7 pursuant to section 402 and to grant such other relief as
8 may be appropriate. Actions shall be brought by the Attor-
9 ney General in the name of the United States, either on his
10 own initiative or at the request of the Secretary.

11 “SEC. 404. There are authorized to be appropriated
12 such sums, not to exceed \$500,000, as may be necessary for
13 administrative expenses incident to the administration of this
14 title.

15 “SEC. 405. For the purposes of this title, the terms
16 ‘coastal zone’, ‘coastal waters’, ‘coastal state’, ‘Secretary’,
17 ‘estuary’, and ‘estuarine sanctuary’ shall have the same
18 meanings as specified in section 304 of title III of this Act.”
19 *That the Act entitled “An Act to provide for a comprehen-*
20 *sive, long-range, and coordinated national program in marine*
21 *science, to establish a National Council on Marine Resources*
22 *and Engineering Development, and a Commission on Marine*
23 *Science, Engineering and Resources, and for other purposes”,*
24 *approved June 17, 1966 (80 Stat. 203), as amended (33*

1 U.S.C. 1101-1124), is further amended by adding at the
2 end thereof the following new title:

3 "TITLE III—MANAGEMENT OF THE COASTAL
4 ZONE

5 "SHORT TITLE

6 "SEC. 301. This title may be cited as the 'Coastal Zone
7 Management Act of 1972'.

8 "CONGRESSIONAL FINDINGS

9 "SEC. 302. The Congress finds that—

10 "(a) There is a national interest in the effective man-
11 agement, beneficial use, protection, and development of the
12 coastal zone;

13 "(b) The coastal zone is rich in a variety of natural,
14 commercial, recreational, industrial, and esthetic resources of
15 immediate and potential value to the present and future well-
16 being of the Nation;

17 "(c) The increasing and competing demands upon the
18 lands and waters of our coastal zone occasioned by popula-
19 tion growth and economic development, including require-
20 ments for industry, commerce, residential development, rec-
21 reation, extraction of mineral resources and fossil fuels,
22 transportation and navigation, waste disposal, and harvesting
23 of fish, shellfish, and other living marine resources, have re-
24 sulted in the loss of living marine resources, wildlife, nutrient-
25 rich areas, permanent and adverse changes to ecological

1 *systems, decreasing open space for public use, and shoreline*
2 *erosion;*

3 “(d) *The coastal zone, and the fish, shellfish, other liv-*
4 *ing marine resources, and wildlife therein, are ecologically*
5 *fragile and consequently extremely vulnerable to destruction*
6 *by man's alterations;*

7 “(e) *Important ecological, cultural, historic, and esthetic*
8 *values in the coastal zone which are essential to the well-being*
9 *of all citizens are being irretrievably damaged or lost;*

10 “(f) *Special natural and scenic characteristics are being*
11 *damaged by ill-planned development that threatens these*
12 *values;*

13 “(g) *In light of competing demands and the urgent need*
14 *to protect and to give high priority to natural systems in the*
15 *coastal zone, present state and local institutional arrange-*
16 *ments for planning and regulating land and water uses in*
17 *such areas are inadequate; and*

18 “(h) *The key to more effective protection and use of the*
19 *land and water resources of the coastal zone is to encourage*
20 *the states to exercise their full authority over the lands*
21 *and waters in the coastal zone by assisting the states, in*
22 *cooperation with Federal and local governments and other*
23 *vitally affected interests, in developing land and water use*
24 *programs for the coastal zone, including unified policies, cri-*

1 *teria, standards, methods, and processes for dealing with*
2 *land and water use decisions of more than local significance.*

3 *“DECLARATION OF POLICY*

4 *“SEC. 303. The Congress declares that it is the national*
5 *policy (a) to preserve, protect, develop, and where possible,*
6 *to restore or enhance, the resources of the Nation’s coastal*
7 *zone for this and succeeding generations, (b) to encourage*
8 *and assist the states to exercise effectively their responsibilities*
9 *in the coastal zone through the development and implementa-*
10 *tion of management programs to achieve wise use of the*
11 *land and water resources of the coastal zone giving full*
12 *consideration to ecological, cultural, historic, and esthetic*
13 *values as well as to needs for economic development, (c) for*
14 *all Federal agencies engaged in programs affecting the*
15 *coastal zone to cooperate and participate with state and local*
16 *governments and regional agencies in effectuating the pur-*
17 *poses of this title, and (d) to encourage the participation of*
18 *the public, of Federal, state, and local governments and of*
19 *regional agencies in the development of coastal zone man-*
20 *agement programs. With respect to implementation of such*
21 *management programs, it is the national policy to encourage*
22 *cooperation among the various state and regional agencies*
23 *including establishment of interstate and regional agreements,*
24 *cooperative procedures, and joint action particularly regard-*
25 *ing environmental problems.*

"DEFINITIONS

"SEC. 304. *For the purposes of this title—*

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shorelands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean,

1 the Gulf of Mexico, Long Island Sound, or one or more of
 2 the Great Lakes. For the purposes of this title, the term in-
 3 cludes Puerto Rico, the Virgin Islands, Guam, and Amer-
 4 ican Samoa.

5 “(d) ‘Estuary’ means that part of a river or stream or
 6 other body of water having unimpaired connection with the
 7 open sea, where the sea water is measurably diluted with
 8 fresh water derived from land drainage. The term includes
 9 estuary-type areas of the Great Lakes.

10 “(e) ‘Estuarine sanctuary’ means a research area which
 11 may include any part or all of an estuary, adjoining transi-
 12 tional areas, and adjacent uplands, constituting to the extent
 13 feasible a natural unit, set aside to provide scientists and
 14 students the opportunity to examine over a period of time
 15 the ecological relationships within the area.

16 “(f) ‘Secretary’ means the Secretary of Commerce.

17 “MANAGEMENT PROGRAM DEVELOPMENT GRANTS

18 “SEC. 305. (a) The Secretary is authorized to make
 19 annual grants to any coastal state for the purpose of assisting
 20 in the development of a management program for the land
 21 and water resources of its coastal zone.

22 “(b) Such management program shall include:

23 “(2) an identification of the boundaries of the
 24 portions of the coastal state subject to the management
 25 program;

1 “(2) a definition of what shall constitute permissible
2 land and water uses;

3 “(3) an inventory and designation of areas of par-
4 ticular concern;

5 “(4) an identification of the means by which the
6 state proposes to exert control over land and water uses,
7 including a listing of relevant constitutional provisions,
8 legislative enactments, regulations, and judicial decisions;

9 “(5) broad guidelines on priority of uses in partic-
10 ular areas, including specifically those uses of lowest
11 priority;

12 “(6) a description of the organizational structure
13 proposed to implement the management program, in-
14 cluding the responsibilities and interrelationships of local
15 areawide, state, regional, and interstate agencies in the
16 management process.

17 “(c) The grants shall not exceed $66\frac{2}{3}$ per centum of
18 the costs of the program in any one year. Federal funds
19 received from other sources shall not be used to match the
20 grants. In order to qualify for grants under this subsection,
21 the state must reasonably demonstrate to the satisfaction
22 of the Secretary that such grants will be used to develop
23 a management program consistent with the requirements set
24 forth in section 306 of this title. Successive grants may be
25 made annually for a period not to exceed two years: Pro-

1 vided, That no second grant shall be made under this sub-
2 section unless the Secretary finds that the state is satisfac-
3 torily developing such management program.

4 “(d) Upon completion of the development of the state’s
5 management program, the state shall submit such program to
6 the Secretary for review and approval pursuant to the pro-
7 visions of section 306 of this title, or such other action as
8 he deems necessary. On final approval of such program
9 by the Secretary, the state’s eligibility for further grants
10 under this section shall terminate, and the state shall be eligible
11 for grants under section 306 of this title.

12 “(e) Grants under this section shall be allocated to the
13 states based on rules and regulations promulgated by the Sec-
14 retary: Provided, however, That no management program
15 development grant under this section shall be made in excess
16 of 15 per centum of the total amount appropriated to carry
17 out the purposes of this section.

18 “(f) Grants or portions thereof not obligated by a state
19 during the fiscal year for which they were first authorized to
20 be obligated by the state, or during the fiscal year imme-
21 diately following, shall revert to the Secretary, and shall be
22 added by him to the funds available for grants under this
23 section.

24 “(g) With the approval of the Secretary, the state
25 may allocate to a local government, to an areawide agency

1 designated under section 204 of the Demonstration Cities
2 and Metropolitan Development Act of 1966, to a regional
3 agency, or to an interstate agency, a portion of the grant
4 under this section, for the purpose of carrying out the provi-
5 sions of this section.

6 “(h) The authority to make grants under this section
7 shall expire on June 30, 1975.

8 “ADMINISTRATIVE GRANTS

9 “SEC. 306. (a) The Secretary is authorized to make
10 annual grants to any coastal state for not more than $66\frac{2}{3}$
11 per centum of the costs of administering the state's man-
12 agement program, if he approves such program in accord-
13 ance with subsection (c) hereof. Federal funds received
14 from other sources shall not be used to pay the state's share
15 of costs.

16 “(b) Such grants shall be allocated to the states with
17 approved programs based on rules and regulations pro-
18 mulgated by the Secretary, which shall take into account
19 the extent and nature of the shoreline and area covered by
20 the plan, population of the area, and other relevant factors:
21 Provided, however, That no annual administrative grant
22 under this section shall be made in excess of 15 per centum
23 of the total amount appropriated to carry out the purposes of
24 this section.

25 “(c) Prior to granting approval of a management pro-

1 *gram submitted by a coastal state, the Secretary shall find*
2 *that:*

3 “(1) *The state has developed and adopted a manage-*
4 *ment program for its coastal zone in accordance with rules*
5 *and regulations promulgated by the Secretary, after notice,*
6 *and with the opportunity of full participation by relevant*
7 *Federal agencies, state agencies, local governments, regional*
8 *organizations, port authorities, and other interested parties,*
9 *public and private, which is adequate to carry out the pur-*
10 *poses of this title and is consistent with the policy declared*
11 *in section 303 of this title.*

12 “(2) *The state has:*

13 “(A) *coordinated its program with local, areawide,*
14 *and interstate plans applicable to areas within the coastal*
15 *zone existing on January 1 of the year in which the*
16 *state's management program is submitted to the Secretary,*
17 *which plans have been developed by a local govern-*
18 *ment, an areawide agency designated pursuant to regu-*
19 *lations established under section 204 of the Demonstra-*
20 *tion Cities and Metropolitan Development Act of 1966,*
21 *a regional agency, or an interstate agency; and*

22 “(B) *established an effective mechanism for con-*
23 *tinuing consultation and coordination between the man-*
24 *agement agency designated pursuant to paragraph (5)*
25 *of this subsection and with local governments, interstate*

1 *agencies, and areawide agencies within the coastal zone*
2 *to assure the full participation of such local governments*
3 *and agencies in carrying out the purposes of this title.*

4 *“(3) The state has held public hearings in the develop-*
5 *ment of the management program.*

6 *“(4) The management program and any changes thereto*
7 *have been reviewed and approved by the Governor.*

8 *“(5) The Governor of the state has designated a single*
9 *agency to receive and administer the grants for implement-*
10 *ing the management program required under paragraph (1)*
11 *of this subsection.*

12 *“(6) The state is organized to implement the man-*
13 *agement program required under paragraph (1) of this*
14 *subsection.*

15 *“(7) The state has the authorities necessary to imple-*
16 *ment the program, including the authority required under*
17 *subsection (d) of this section.*

18 *“(8) The management program provides for adequate*
19 *consideration of the national interest involved in the siting*
20 *of facilities necessary to meet requirements which are other*
21 *than local in nature.*

22 *“(9) The management program makes provision for*
23 *procedures whereby specific areas may be designated for*
24 *the purpose of preserving or restoring them for their con-*
25 *servation, recreational, ecological, or esthetic values.*

1 “(d) Prior to granting approval of the management
2 program, the Secretary shall find that the state, acting
3 through its chosen agency or agencies, including local gov-
4 ernments, areawide agencies designated under section 204
5 of the Demonstration Cities and Metropolitan Development
6 Act of 1966, regional agencies, or interstate agencies, has
7 authority for the management of the coastal zone in accord-
8 ance with the management program. Such authority shall
9 include power—

10 “(1) to administer land and water use regulations,
11 control development in order to insure compliance with
12 the management program, and to resolve conflicts
13 among competing uses; and

14 “(2) to acquire fee simple and less than fee simple
15 interests in lands, waters, and other property through
16 condemnation or other means when necessary to achieve
17 conformance with the management program.

18 “(e) Prior to granting approval, the Secretary shall
19 also find that the program provides:

20 “(1) for any one or a combination of the following
21 general techniques for control of land and water uses:

22 “(A) State establishment of criteria and stand-
23 ards for local implementation, subject to adminis-
24 trative review and enforcement of compliance;

1 “(B) *Direct state land and water use planning*
2 *and regulation; or*

3 “(C) *State administrative review for consist-*
4 *ency with the management program of all develop-*
5 *ment plans, projects, or land and water use regu-*
6 *lations, including exceptions and variances thereto,*
7 *proposed by any state or local authority or private*
8 *developer, with power to approve or disapprove*
9 *after public notice and an opportunity for hearings.*

10 “(2) *for a method of assuring that local land and*
11 *water use regulations within the coastal zone do not un-*
12 *reasonably restrict or exclude land and water uses of*
13 *regional benefit.*

14 “(f) *With the approval of the Secretary, a state may*
15 *allocate to a local government, an areawide agency desig-*
16 *nated under section 204 of the Demonstration Cities and*
17 *Metropolitan Development Act of 1966, a regional agency,*
18 *or an interstate agency, a portion of the grant under this*
19 *section for the purpose of carrying out the provisions of*
20 *this section: Provided, That such allocation shall not re-*
21 *lieve the state of the responsibility for insuring that any funds*
22 *so allocated are applied in furtherance of such state's ap-*
23 *proved management program.*

24 “(g) *The state shall be authorized to amend the man-*

1 agement program. The modification shall be in accordance
2 with the procedures required under subsection (c) of this
3 section. Any amendment or modification of the program must
4 be approved by the Secretary before additional administra-
5 tive grants are to be made to the state under the program as
6 amended.

7 “(h) At the discretion of the state and with the ap-
8 proval of the Secretary, a management program may be
9 developed and adopted in segments so that immediate atten-
10 tion may be devoted to those areas of the coastal zone which
11 most urgently need management programs: Provided, That
12 the state adequately allows for the ultimate coordination of
13 the various segments of the management program into a
14 single unified program and that the unified program will
15 be completed as soon as is reasonably practicable.

16 “INTERAGENCY COORDINATION AND COOPERATION

17 “SEC. 307. (a) In carrying out his functions and re-
18 sponsibilities under this title, the Secretary shall consult
19 with, cooperate with, and, to the maximum extent practica-
20 ble, coordinate his activities with other interested Federal
21 agencies.

22 “(b) The Secretary shall not approve the management
23 program submitted by a state pursuant to section 306 unless
24 the views of Federal agencies principally affected by such
25 program have been adequately considered. In case of serious

1 *disagreement between any Federal agency and the state in*
2 *the development of the program the Secretary, in coop-*
3 *eration with the Executive Office of the President, shall seek*
4 *to mediate the differences.*

5 “(c) (1) *Each Federal agency conducting or supporting*
6 *activities in the coastal zone shall conduct or support those*
7 *activities in a manner which is, to the maximum extent*
8 *practicable, consistent with approved state management*
9 *programs.*

10 “(2) *Any Federal agency which shall undertake any*
11 *development project in the coastal zone of a state shall in-*
12 *sure that the project is, to the maximum extent practicable,*
13 *consistent with approved state management programs.*

14 “(3) *After final approval by the Secretary of a state's*
15 *management program, any applicant for a required Federal*
16 *license or permit to conduct an activity affecting land or water*
17 *uses in the coastal zone of that state shall provide in the ap-*
18 *plication to the licensing or permitting agency a certification*
19 *that the proposed activity complies with the state's approved*
20 *program and that such activity will be conducted in a manner*
21 *consistent with the program. At the same time, the applicant*
22 *shall furnish to the state or its designated agency a copy of*
23 *the certification, with all necessary information and data.*
24 *Each coastal state shall establish procedures for public notice*
25 *in the case of all such certification and, to the extent it deems*

1 appropriate, procedures for public hearings in connection
2 therewith. At the earliest practicable time, the state or its
3 designated agency shall notify the Federal agency concerned
4 that the state concurs with or objects to the applicant's cer-
5 tification. If the state or its designated agency fails to furnish
6 the required notification within six months after receipt of its
7 copy of the applicant's certification, the state's concurrence
8 with the certification shall be conclusively presumed. No
9 license or permit shall be granted by the Federal agency until
10 the state or its designated agency has concurred with the
11 applicant's certification or until, by the state's failure to act,
12 the concurrence is conclusively presumed, unless the Secre-
13 tary, on his own initiative or upon appeal by the applicant,
14 finds, after providing a reasonable opportunity for detailed
15 comments from the Federal agency involved and from the
16 state, that the activity is consistent with the objectives of this
17 title or is otherwise necessary in the interest of national
18 security.

19 “(d) State and local governments submitting applica-
20 tions for Federal assistance under other Federal programs
21 affecting the coastal zone shall indicate the views of the
22 appropriate state or local agency as to the relationship of
23 such activities to the approved management program for
24 the coastal zone. Such applications shall be submitted and
25 coordinated in accordance with the provisions of title IV of

1 *the Intergovernmental Coordination Act of 1968 (82 Stat.*
2 *1098). Federal agencies shall not approve proposed projects*
3 *that are inconsistent with a coastal state's management pro-*
4 *gram, except upon a finding by the Secretary that such proj-*
5 *ect is consistent with the purposes of this title or necessary*
6 *in the interest of national security.*

7 “(e) *Nothing in this section shall be construed—*

8 “(1) *to diminish either Federal or state jurisdic-*
9 *tion, responsibility, or rights in the field of planning,*
10 *development, or control of water resources and navigable*
11 *waters; nor to displace, supersede, limit, or modify any*
12 *interstate compact or the jurisdiction or responsibility of*
13 *any legally established joint or common agency of two*
14 *or more states or of two or more states and the Federal*
15 *Government; nor to limit the authority of Congress to*
16 *authorize and fund projects;*

17 “(2) *as superseding, modifying, or repealing exist-*
18 *ing laws applicable to the various Federal agencies;*
19 *nor to affect the jurisdiction, powers, or prerogatives of*
20 *the International Joint Commission, United States and*
21 *Canada, the Permanent Engineering Board, and the*
22 *United States operating entity or entities established*
23 *pursuant to the Columbia River Basin Treaty, signed*
24 *at Washington, January 17, 1961, or the International*

1 *Boundary and Water Commission, United States and*
 2 *Mexico.*

3 “PUBLIC HEARINGS

4 “SEC. 308. *All public hearings required under this title*
 5 *must be announced at least thirty days prior to the hearing*
 6 *date. At the time of the announcement, all agency materials*
 7 *pertinent to the hearings, including documents, studies, and*
 8 *other data, must be made available to the public for review*
 9 *and study. As similar materials are subsequently developed,*
 10 *they shall be made available to the public as they become*
 11 *available to the agency.*

12 “REVIEW OF PERFORMANCE

13 SEC. 309. (a) *The Secretary shall conduct a continuing*
 14 *review of the management programs of the coastal states and*
 15 *of the performance of each state.*

16 “(b) *The Secretary shall have the authority to terminate*
 17 *any financial assistance extended under section 306 and to*
 18 *withdraw any unexpended portion of such assistance if (1) he*
 19 *determines that the state is failing to adhere to and is not*
 20 *justified in deviating from the program approved by the Sec-*
 21 *retary; and (2) the state has been given notice of proposed*
 22 *termination and withdrawal and an opportunity to present*
 23 *evidence of adherence or justification for altering its program.*

24 “RECORDS

25 “SEC. 310. (a) *Each recipient of a grant under this title*
 26 *shall keep such records as the Secretary shall prescribe, in-*

1 *cluding records which fully disclose the amount and disposi-*
2 *tion of the funds received under the grant, the total cost of the*
3 *project or undertaking supplied by other sources, and such*
4 *other records as will facilitate an effective audit.*

5 “(b) *The Secretary and the Comptroller General of the*
6 *United States, or any of their duly authorized representatives,*
7 *shall have access for the purpose of audit and examination to*
8 *any books, documents, papers, and records of the recipient of*
9 *the grant that are pertinent to the determination that funds*
10 *granted are used in accordance with this title.*

11 “ADVISORY COMMITTEE

12 “SEC. 311. (a) *The Secretary is authorized and di-*
13 *rected to establish a Coastal Zone Management Advisory*
14 *Committee to advise, consult with, and make recommenda-*
15 *tions to the Secretary on matters of policy concerning the*
16 *coastal zone. Such committee shall be composed of not more*
17 *than ten persons designated by the Secretary and shall per-*
18 *form such functions and operate in such a manner as the*
19 *Secretary may direct. The Secretary shall insure that the*
20 *committee membership as a group possesses a broad range*
21 *of experience and knowledge relating to problems involving*
22 *management, use, conservation, protection, and development*
23 *of coastal zone resources.*

24 “(b) *Members of said advisory committee who are not*
25 *regular full-time employees of the United States, while serv-*
26 *ing on the business of the committee, including traveltime,*

1 may receive compensation at rates not exceeding \$100 per
2 diem; and while so serving away from their homes or reg-
3 ular places of business may be allowed travel expenses, in-
4 cluding per diem in lieu of subsistence, as authorized by
5 section 5703 of title 5, United States Code, for individuals
6 in the Government service employed intermittently.

7 "ESTUARINE SANCTUARIES

8 "SEC. 312. (a) The Secretary, in accordance with rules
9 and regulations promulgated by him, is authorized to make
10 available to a coastal state grants of up to 50 per centum of
11 the costs of acquisition, development, and operation of estu-
12 arine sanctuaries for the purpose of creating natural field
13 laboratories to gather data and make studies of the natural
14 and human processes occurring within the estuaries of the
15 coastal zone. The Federal share of the cost for each such
16 sanctuary shall not exceed \$2,000,000. No Federal funds
17 received pursuant to section 305 or section 306 shall be used
18 for the purpose of this section.

19 "(b) When an estuarine sanctuary is established by a
20 coastal state, for the purpose envisioned in subsection (a),
21 whether or not Federal funds have been made available for
22 a part of the costs of acquisition, development, and opera-
23 tion, the Secretary, at the request of the state concerned, and
24 after consultation with interested Federal departments and
25 agencies and other interested parties, may extend the estab-

1 *lished estuarine sanctuary seaward beyond the coastal zone,*
 2 *to the extent necessary to effectuate the purposes for which*
 3 *the estuarine sanctuary was established.*

4 “(c) *The Secretary shall issue necessary and reasonable*
 5 *regulations related to any such estuarine sanctuary extension*
 6 *to assure that the development and operation thereof is co-*
 7 *ordinated with the development and operation of the estuarine*
 8 *sanctuary of which it forms an extension.*

9 “*MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF*
 10 *THE UNITED STATES*

11 “*SEC. 313. (a) The Secretary shall develop, in co-*
 12 *ordination with the Secretary of the Interior, and after ap-*
 13 *propriate consultation with the Secretary of Defense, the*
 14 *Secretary of Transportation, and other interested parties,*
 15 *Federal and non-Federal, governmental and nongovernmen-*
 16 *tal, a program for the management of the area outside the*
 17 *coastal zone and within twelve miles of the baseline from*
 18 *which the breadth of the territorial sea is measured. The pro-*
 19 *gram shall be developed for the benefit of industry, com-*
 20 *merce, recreation, conservation, transportation, navigation,*
 21 *and the public interest in the protection of the environment*
 22 *and shall include, but not be limited to, provisions for the*
 23 *development, conservation, and utilization of fish and other*
 24 *living marine resources, mineral resources, and fossil fuels,*

1 the development of aquaculture, the promotion of recrea-
 2 tional opportunities, and the coordination of research.

3 “(b) To the extent that any part of the management
 4 program developed pursuant to this section shall apply to
 5 any high seas area, the subjacent seabed and subsoil of which
 6 lies within the seaward boundary of a coastal state, as that
 7 boundary is defined in section 2 of title I of the Act of
 8 May 22, 1953 (67 Stat. 29), the program shall be coordi-
 9 nated with the coastal state involved.

10 “(c) The Secretary shall, to the maximum extent prac-
 11 ticable, apply the program developed pursuant to this section
 12 to waters which are adjacent to specific areas in the coastal
 13 zone which have been designated by the states for the pur-
 14 pose of preserving or restoring such areas for their con-
 15 servation, recreational, ecological, or esthetic values.

16 “ANNUAL REPORT .

17 “SEC. 314. (a) The Secretary shall prepare and submit
 18 to the President for transmittal to the Congress not later than
 19 November 1 of each year a report on the administration of
 20 this title for the preceding Federal fiscal year. The report
 21 shall include but not be restricted to (1) an identification of
 22 the state programs approved pursuant to this title during the
 23 preceding Federal fiscal year and a description of those pro-
 24 grams; (2) a listing of the states participating in the provi-

1 sions of this title and a description of the status of each state's
2 program and its accomplishments during the preceding Fed-
3 eral fiscal year; (3) an itemization of the allotment of funds
4 to the various coastal states and a breakdown of the major
5 projects and areas on which these funds were expended;
6 (4) an identification of any state programs which have been
7 reviewed and disapproved or with respect to which grants
8 have been terminated under this title, and a statement of the
9 reasons for such action; (5) a listing of all activities and
10 projects which, pursuant to the provisions of subsection (c) or
11 subsection (d) of section 307, are not consistent with an
12 applicable approved state management program; (6) a sum-
13 mary of the regulations issued by the Secretary or in effect
14 during the preceding Federal fiscal year; (7) a summary of
15 a coordinated national strategy and program for the Nation's
16 coastal zone including identification and discussion of Fed-
17 eral, regional, state, and local responsibilities and functions
18 therein; (8) a summary of outstanding problems arising in
19 the administration of this title in order of priority; and (9)
20 such other information as may be appropriate.

21 “(b) The report required by subsection (a) shall con-
22 tain such recommendations for additional legislation as the
23 Secretary deems necessary to achieve the objectives of this
24 title and enhance its effective operation.

1 “RULES AND REGULATIONS

2 “SEC. 315. *The Secretary shall develop and promulgate,*
3 *pursuant to section 553 of title 5, United States Code, after*
4 *notice and opportunity for full participation by relevant*
5 *Federal agencies, state agencies, local governments, regional*
6 *organizations, port authorities, and other interested parties,*
7 *both public and private, such rules and regulations as may*
8 *be necessary to carry out the provisions of this title.*

9 “PENALTIES

10 “SEC. 316. (a) *Whoever violates any regulation which*
11 *implements the provisions of section 312(c) or section 313*
12 *(a) of this title shall be liable to a civil penalty of not more*
13 *than \$10,000 for each such violation, to be assessed by the*
14 *Secretary. Each day of a continuing violation shall constitute*
15 *a separate violation.*

16 “(b) *No penalty shall be assessed under this section*
17 *until the person charged shall have been given notice and an*
18 *opportunity to be heard. For good cause shown, the Secretary*
19 *may remit or mitigate any such penalty. Upon failure of the*
20 *offending party to pay the penalty, as assessed or, when*
21 *mitigated, as mitigated, the Attorney General, at the request*
22 *of the Secretary, shall commence action in the appropriate*
23 *district court of the United States to collect such penalty and*
24 *to seek other relief as may be appropriate.*

25 “(c) *A vessel used in the violation of any regulation*

1 *which implements the provisions of section 312(c) or sec-*
 2 *tion 313(a) of this title shall be liable in rem for any*
 3 *civil penalty assessed for such violation and may be pro-*
 4 *ceeded against in any district court of the United States*
 5 *having jurisdiction thereof.*

6 “(d) *The district courts of the United States shall*
 7 *have jurisdiction to restrain violations of the regulations*
 8 *issued pursuant to this title. Actions shall be brought by*
 9 *the Attorney General in the name of the United States,*
 10 *either on his own initiative or at the request of the Secretary.*

11 “APPROPRIATIONS

12 “SEC. 317. (a) *There are authorized to be appropri-*
 13 *ated—*

14 “(1) *the sum of \$15,000,000 for fiscal year 1973*
 15 *and for each of the two succeeding fiscal years for*
 16 *grants under section 305 to remain available until*
 17 *expended;*

18 “(2) *the sum of \$50,000,000 for fiscal year 1974*
 19 *and for fiscal year 1975 for grants under section 306*
 20 *to remain available until expended; and*

21 “(3) *the sum of \$6,000,000 for fiscal year 1973*
 22 *and for each of the two succeeding fiscal years for*
 23 *grants under section 312, to remain available until*
 24 *expended.*

1 “(b) *There are also authorized to be appropriated such*
2 *sums, not to exceed \$3,000,000, for fiscal year 1973 and*
3 *for each of the two succeeding fiscal years, as may be*
4 *necessary for administrative expenses incident to the ad-*
5 *ministration of this title.*

A BILL

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes.

By Mr. LENNON, Mr. GARMATZ, Mrs. SULLIVAN, Mr. MOSHER, Mr. PELLY, Mr. ROGERS, Mr. KEITH, Mr. ASHLEY, Mr. GOODLING, Mr. DOWNING, Mr. MAILLARD, Mr. CLARK, Mr. STEELE, Mr. JONES of North Carolina, Mr. FORSYTHE, Mr. LEGGETT, Mr. DU PONT, Mr. GRIFFIN, Mr. MILLS of Maryland, Mr. ANDERSON of California, Mr. GROVER, Mr. BRAGG, Mr. RUPPE, Mr. KYROS, and Mr. McDONALD of Michigan

MARCH 28, 1972

Referred to the Committee on Merchant Marine and Fisheries

MAY 5, 1972

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed